

REMARKS

Applicants' attorney thanks the Examiner for her comments. Independent Claims 1, 13, 14 and 15 have been amended to recite unstretched elastic strands according to page 4, line 19, page 14, lines 7-10 and page 26, lines 4-10. Unstretched strands of elastic are included in the elected species as the nonelected species include withdrawn Claims 2, 5 and 9-10 which recite precursor elastic. Applicants' unstretched elastic strands are not precursor elastic. Regarding page 28, line 17 which discloses stretching elastic members, this is the section titled "Processing Examples." These pages describe explicit embodiments of Applicants' elected species but not all embodiments of the elected species. Limiting the elected species to these pages when there is proper support in the original specification is not proper. Claims 17-20 have been canceled.

Telephone Interview Summary

Applicants' attorney thanks the Examiner for her time and comments during the 03 May 2007 telephone interview. The proposed claim amendment reciting unstretched elastic strands and the current obviousness rejection were discussed. The Examiner reviewed the proposed claim amendment and suggested that it does not read on the elected species in this present case. Applicants stated that any submitted amendment would be part of the elected species. The Examiner stated that proposed amendment does not appear to overcome the obviousness reference. Applicants then briefly discussed the explicit teachings that are incorporated by reference of the obviousness rejection. The Examiner stated that she had not reviewed the incorporated by reference material of the cited reference with respect to the proposed claim amendment. However, Applicants believe the incorporated by reference material would overcome the obviousness rejection, as explained below.

a) Claim Objections Based On 37 CFR § 1.75

The objection of Claims 17 and 18 under 37 CFR § 1.75 as being a substantial duplicate of Claims 11-12 and 14-15 is respectfully traversed. Applicants have canceled Claims 17 and 18.

b) Claim Rejection Based On 35 U.S.C. § 112

The rejection of Claims 19 and 20 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement is respectfully traversed. Applicants have canceled Claims 19 and 20, rendering this rejection moot.

c) Claim Rejection Based On Litchholt

The rejection of Claims 1, 3, 4, 6, 11-15, 17-20, 28-29 and 32-33 under 35 U.S.C. § 102(b) as being anticipated by, or under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,503,919 (“Litchholt”) is respectfully traversed.

Applicants have amended Claims 1, 13, 14 and 15 to recite the step of affixing unstretched elastic strands to the necked precursor garment. The Examiner cites Litchholt for allegedly disclosing a zero strain stretch laminate. Litchholt actually discloses a laminate made from an elastomeric adhesive foam. Litchholt is directed to the process of making a laminate as shown in Fig. 2 and has elastic properties in the entire laminate 30. This is not Applicants’ method of making an absorbent article with an elastic cuff area and necked substrates. Applicants’ process selectively applies unstretched elastic strands to discrete and specific cuff regions as shown in FIG. 1. In contrast, Litchholt produces a material that allegedly claims elasticity for use in entire panels (*see*, column 22, lines 29-31).

The Examiner on page 5 of the Office Action equates the “distorted configuration” of Litchholt with Applicants’ necking. Applicants respectfully disagree. Applicants’ necking tension and neckable materials are a controlled drawing force that upon removal allows the material to pull back or relax to or near its original width (*see*, page 9, line 7 to page 10, line 20). In contrast, Litchholt’s process is “upon mechanical stretching, be at least to a degree **permanently** elongated such that it will **not fully return** to its original **undistorted** configuration.” (column 26, lines 33-38, emphasis added). Put another way forces required for permanent distortion exceed forces for necking.

Specifically regarding the use of elastic strands in cuffs, Litchholt states that “the elasticized leg cuff additionally comprises an elastic gasketing cuff with one or more **elastic strands** positioned outboard of the barrier cuff such as described in the above referenced U.S. Pat. No. 4,695,278.” (column 28, lines 17-21, emphasis added). U.S.

Patent 4,695,278 ("Lawson") is incorporated by reference on column 23, lines 3-6 of Litchholt. Litchholt does not teach or suggest any other method of attaching elastic strands. Lawson allegedly discloses an absorbent article having dual cuffs and on column 7, lines 40-48 states that a suitable method for manufacture is disclosed in U.S. Patent 4,081,301 ("Buell") which is titled "Method And Apparatus For Continuously Attaching **Discrete, Stretched Elastic Strands To Predetermined Isolated Portions Of Disposable Absorbent Products.**" (emphasis added).

Lawson does not teach or suggest any other method of attaching elastic strands to the cuffs of Litchholt. Buell only discloses applying elastic strands that are stretched by three metering rolls before being applied (*see*, specification and Claim 17). This is not Applicants' process of using unstretched elastic strands for a simpler manufacturing method. Litchholt only teaches applying stretched elastic strands by the incorporation of Lawson and Buell. Put another way by incorporating teachings that elastic strands are applied only when stretched, Litchholt teaches away from Applicants' method of affixing unstretched elastic strands. Litchholt does not teach or suggest elastic strands in another method or configuration for leg elastics (Applicants' Claim 15) or elsewhere.

The foam of Litchholt is comprised of an elastomeric adhesive. In contrast, Applicants' elastic strands are not an adhesive and are attached by adhesive or bonding.

Therefore, one skilled in the art would not have a motivation or an expectation of success to modify Litchholt to arrive at Applicants' unstretched elastic strands based on the stretched elastic strands of Litchholt, Buell and Lawson.

Accordingly, no claim is anticipated or rendered obvious by Litchholt. This rejection should be withdrawn.

d) Conclusion

Applicants believe that the claims, as presented, are in condition for allowance. If the Examiner detects any unresolved issue, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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